

AG Contract No. KR00-1777TRN  
ADOT ECS File No. JPA 99-130a  
**Amendment #3**  
Section: SR-89, Marina to Arizona  
Intersection of Sheldon St. and Washington St.  
TRACS No.: H 4110 01 C 89YV311  
BUDGET SOURCE ITEM NO.: 11002

**AMENDMENT NUMBER THREE (3)  
INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF PRESCOTT

This agreement supercedes that certain agreement know as JPA 99-130, AG Contract No. DR00-0134TRN dated 18 August 2000 and filed with the Arizona Secretary of State No. 24180

**THIS AMENDMENT**, is entered into 20th day of September, 2004, **Amendment Number 3** to JPA 99-130a, AG Contract KR00-1777TRN, filed with the Secretary of State under No. 24377, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF PRESCOTT, acting by and through its MAYOR and CITY COUNCIL (the "City").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Sections 9-240 and 11-952 to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. Incident to several roadway improvement projects on SR 89 and SR 69 contemplated by the State and the City in the City, from Copper Basin (MP 310.26) to Carleton (MP 311.09), and the new SR-69 to SR-89 connector roadway intersections (SR 69 MP 293.4 and SR 89 MP 315.0), which is the first portion, and from Marina (MP 311.8) to Arizona (MP 312.11), which is the second portion, and from Arizona (MP 312.11) to Aven (MP 312.4), which is the third portion, and from Aven (MP 312.4) to Butterfield (MP 312.7), which will be the last portion. In addition, the State and the City desire to use the new SR-69 to SR-89 connector roadway as a detour during construction of these improvements and the reconstruction of the SR 69/ SR 89 interchange contemplated herein. The SR-69 to SR-89 connector detour will be used as described previously; without reimbursement for pavement structural wear during it's use as a detour.

#03

NO. 24377  
Filed with the Secretary of State  
Date Filed: 09/20/04

Jenice K. Brewer  
Secretary of State

By: Timothy D. Haenewald

THIS AGREEMENT is Amended to correct a design deficiency in the second portion of the reconstruction of SR 89 at the intersection of Sheldon Street and Washington Street between Marina MP 311.8 to Arizona MP 312.11, under Recital paragraph 4. Add Article's II.1.j., II.1.k., and II.2.g., under the Scope of Work. Include the Non-Availability of Funds and the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) to this agreement under the Miscellaneous Provisions, Article III.

THEREFORE, AGREEMENT JPA 99-130a IS AMENDED AS by the parties and agreed to herein as Follows:

**Recital I.4. shall be added as follows:**

3. Incident to the second portion of the reconstruction to SR 89, the State has agreed to correct a storm water drainage design in capacity deficiency at the intersection of Sheldon Street and Washington Street between Marina MP 311.8 to Arizona MP 312.11, hereinafter referred to as the Project. The City will construct the Project using States design plans at an estimated amount of \$50,000.00 all at the States expense, except for the relocation of City utilities. Should further design work be necessary, the State shall approve and provide through Post Design Services at additional costs.

**II. SCOPE**

1. The City will:

**Article II.1.j. and II.1.k., shall be added as follows:**

j. Construct the Project, using City's Contractor(s), and administer all payments to the contractor for the reconstruction of drainage facilities at the intersection of Sheldon Street and Washington Street between Marina MP 311.8 to Arizona MP 312.11. Be responsible for all construction inspections for the State.

i. Invoice the State, within (30) days of execution of this agreement, in an estimated amount of \$45,143.00 for design, including construction engineering and administration costs as shown on Exhibit A, attached hereto and made a part hereof. And \$4,850.00 for inspection of the Project, conducted by the City.

2. The State will:

**Article II.2.g., shall be added as follows**

b. Upon execution of this agreement and within (30) days after receipt of an invoice from the City, remit \$45,143.00 for design, including construction engineering and administration costs as shown on Exhibit A, and \$4,850.00 for inspection costs.

**III. MISCELLANEOUS PROVISIONS**


7. This agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

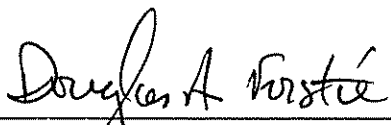
8 Non-Availability of Funds: Every payment obligation of the State under this contract is conditioned upon the availability or allocation of funds for the contract. If funds are not allocated and available for the continuance of this contract, this contract may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

**EXCEPT AS AMENDED HEREIN, ALL OTHER** terms and conditions of the original agreement remain in full force and effect

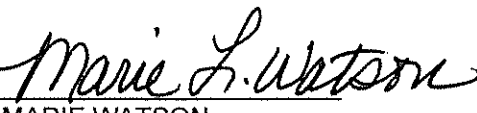
**CITY OF PRESCOTT**  
Department of Transportation

**STATE OF ARIZONA**

By   
\_\_\_\_\_  
ROWLE P. SIMMONS  
Mayor

By   
\_\_\_\_\_  
DOUGLAS A. FORSTIE, P.E.  
Deputy State Engineer, Operations

ATTEST

By   
\_\_\_\_\_  
MARIE WATSON  
City Clerk

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
10	CATCH BASIN - ADOT DETAIL C-15.20 W / 29 FT WING	1.00	EACH	\$8,500.00	\$ 8,500.00
20	CATCH BASIN - ADOT DETAIL C-15.20 W / 23 FT WING	1.00	EACH	\$8,500.00	\$ 8,500.00
30	18" CMP - 14 GA. - WITH SLURRY	30.00	LF	\$120.00	\$ 3,600.00
40	PRE-FORMED "T" CONNECTION - WITH SLURRY	1.00	EACH	\$1,400.00	\$ 1,400.00
50	CONNECT TO EXISTING MANHOLE	1.00	EACH	\$500.00	\$ 500.00
60	REMOVE CURB & GUTTER	62.00	LF	\$4.00	\$ 248.00
70	REMOVE SIDEWALK	100.00	SF	\$1.25	\$ 125.00
80	NEW SIDEWALK	15.00	SF	\$5.00	\$ 75.00
90	SAWCUT	200.00	LF	\$2.00	\$ 400.00
100	PATCH BACK ASPHALT	600.00	SF	\$3.30	\$ 1,980.00
110	TRAFFIC CONTROL	1.00	LS	\$1,000.00	\$ 1,000.00
120	TESTING	1.00	LS	\$500.00	\$ 500.00
200	CATCH BASIN - ADOT DETAIL C-15.40, TYPE 5 - 2 SUMPS AND 33 FT WING BETWEEN	1.00	EACH	\$12,000.00	\$ 12,000.00
210	REMOVE ADOT CURB & GUTTER	42.00	LF	\$6.00	\$ 252.00
220	REMOVE SIDEWALK	210.00	SF	\$1.25	\$ 262.50
230	REMOVE CMP	41.00	LF	\$10.00	\$ 410.00
240	SAWCUT	55.00	LF	\$2.00	\$ 110.00
250	NEW SIDEWALK	115.00	SF	\$5.00	\$ 575.00
260	PATCH BACK ASPHALT	100.00	SF	\$6.00	\$ 600.00
270	TRAFFIC CONTROL	1.00	LS	\$1,500.00	\$ 1,500.00
280	TESTING	1.00	LS	\$300.00	\$ 300.00
					\$ 42,507.50
				Tax & Bond @ 6.2%	\$ 2,635.47
					\$ 45,142.97

RESOLUTION NO. 3559

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING RESOLUTION NUMBERS 3310, 3333 and 3356 BY AMENDING THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION APPROVED AND SUBSEQUENTLY AMENDED THEREIN TO ADDRESS DRAINAGE MODIFICATIONS ON SHELDON STREET AND WASHINGTON STREET.

WHEREAS, the City Council, on the 14<sup>th</sup> day of November, 2000, passed Resolution No. 3310, which approved an Intergovernmental Agreement between the City of Prescott and the Arizona Department of Transportation for certain improvements to SR 89, the 69/89 Connector Road, and the Rush Street/SR 89 Intersection; and

WHEREAS, the City Council, on the 27<sup>th</sup> day of February, 2001, passed Resolution No. 3333, which approved Amendment Number One to the foregoing Intergovernmental Agreement, and

WHEREAS, the City Council, on the 22<sup>nd</sup> day of May, 2001, passed Resolution No. 3356, which approved Amendment Number Two to the foregoing Intergovernmental Agreement; and

WHEREAS, the parties do now wish to further amend that IGA to allow for the construction of drainage modifications on Sheldon Street and Washington Street.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT, the Intergovernmental Agreement between the City of Prescott and Yavapai County, as adopted pursuant to Resolution Number 3310, and subsequently amended by Resolution Numbers 3333 and 3356, is hereby further amended as set forth in Exhibit "A", attached hereto and made a part hereof

SECTION 2. THAT, the Mayor and Staff are hereby authorized to execute any and all documents on behalf of the City of Prescott, and to take any and all steps deemed necessary to accomplish the foregoing

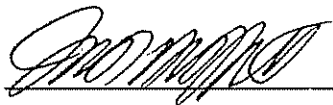
JPA 99-130a

Amendment # 3

APPROVAL OF THE CITY OF PRESCOTT ATTORNEY

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF PRESCOTT, an agreement among public agencies which, has been reviewed pursuant to A.R.S. section 11-951 through 11-954 and declare this agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 24<sup>th</sup> day of SEPTEMBER, 2003

A handwritten signature in black ink, appearing to be "J. M. [unclear]", written over a horizontal line.

City Attorney



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

TERRY GODDARD  
ATTORNEY GENERAL

CIVIL DIVISION  
TRANSPORTATION SECTION  
WRITER'S DIRECT LINE: 602.542.8855


**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR00-1777TRN (**JPA 99-130a, Amendment #3**), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: September 8, 2004.

TERRY GODDARD  
Attorney General

  
SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:dgr  
Attachment  
865475